

## REMARKS

Claims 1, 3, 4 and 10-12 are allowed. This amendment, authorized under 37 CFR 1.312, is submitted to correct a misunderstanding between the Examiner and Applicants' attorney during a telephone interview on 8/3/05 and 8/4/05. The amendments to claims 1 and 10 herein amend the claim language currently on file to reflect the claim language thought to be agreed upon with the Examiner.

The amendment to claim 1 is made to clarify that the steps of "obtaining an average Eb/Nt (avgEbNt)"; and "using Eb/Nt and avgEbNt to calculate a stepsize used to increase the OLT; wherein the stepsize is calculated using  $upDelta = baseUpDelta * (Eb/Nt) / avgEbNt$  and wherein baseUpDelta is a predetermined scaling factor" are performed when the frame quality indicator is equal to a logic zero. Likewise, the amendment to claim 10 is made to clarify that the step of "adjusting the OLT according to a comparison of a fadeDepth(i) and a fadeDepth(i-1)" occurs when the frame quality indicator is not equal to a logic zero and the frame quality indicator is not equal to a logic one for an adaptively determined amount of consecutive frames.

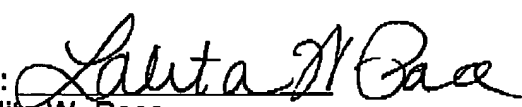
The Examiner is respectfully requested to consider the proposed amendments and to enter this Amendment under Rule 312 prior to issuance of the patent. If there are any remaining issues that need to be addressed in connection with this Amendment, the Examiner is requested to telephone Applicants' undersigned attorney. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,  
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